

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	)	
	)	
Revision of the Commission's Rules to	)	CC Docket No. 94-102
Ensure Compatibility with Enhanced 911	)	
Emergency Calling Systems	)	

**COMMENTS  
OF THE  
NATIONAL TELECOMMUNICATIONS COOPERATIVE ASSOCIATION**

The National Telecommunications Cooperative Association (NTCA)<sup>1</sup> hereby submits Comments in response to the Commission's request for Comments on the Second Further Notice of Proposed Rulemaking (FNPRM) in the above captioned docket. NTCA's comments in this proceeding are limited to the Commission's proposals regarding the provision of E911 by private brand exchanges (PBXs) or other multi-line systems (MLTS). As a preliminary matter, NTCA agrees with the Commission that this is a regulatory matter best decided by the states. To the extent that the Commission decides to regulate, it must keep in mind the unique circumstances of the small, rural local exchange carriers. The rural LECs should not be forced to bear the cost of any new regulatory requirements.

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<sup>1</sup> NTCA is the premier industry association representing rural telecommunications providers. Established in 1954 by eight rural telephone companies, today NTCA represents more than 560 rural rate-of-return regulated telecommunications providers. All of NTCA's members are full service incumbent local exchange carriers (ILECs) and many of its members provide wireless, cable, Internet, satellite and long distance services to their communities. Each member is a "rural telephone company" as defined in the Communications Act of 1934, as amended (Act). NTCA's members are dedicated to providing competitive modern telecommunications services and ensuring the economic future of their rural communities

**I. NTCA AGREES THAT 911 IMPLEMENTATION BY MLTS PROVIDERS SHOULD BE REGULATED BY THE STATES.**

The Commission releases this FNPRM in conjunction with an order that recognized that 911 implementation by MLTS operators is a matter that is best addressed at the local level.<sup>2</sup> The Commission properly determined that “the states are in a better position to determine the manner in which E911 should be deployed in a particular locality.”<sup>3</sup> Successful E911 deployment relies on action by a variety of players – the manufacturers, the carriers and the multi-line system operators. A solution that works in Manhattan may not be appropriate in rural South Dakota. The Commission determined that the states must “coordinate the disparate elements necessary for MLTS E911 implementation and [they] need broad flexibility to bring E911 to all their citizens.”<sup>4</sup> It is premature, at the very least, for the Commission to revisit that reasoned conclusion. Multiple solutions for MLTS E911 implementation are possible and some of the solutions are still under development.<sup>5</sup>

Further, not only is there no evidence that the states are not acting to fully implement MLTS E911, the Commission just adopted Model Legislation as a guide for the states. The states should be given the opportunity to consider that sample legislation and adapt it to meet their unique circumstances and particular needs. The Commission should not be considering further federal regulatory intervention at this time.

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<sup>2</sup> *Revision of the Commission's Rules to Ensure Compatibility with Enhanced 911 Calling Systems*, Report and Order, CC Docket 94-102 and IB 99-76, paras. 60-62.

<sup>3</sup> *Id.*, para 62.

<sup>4</sup> *Id.*

<sup>5</sup> *Id.*

**II. ANY FEDERAL REGULATION MUST SPECIFICALLY CONSIDER THE UNIQUE CIRCUMSTANCES OF RURAL TELEPHONE COMPANIES.**

NTCA does not support the adoption of federal rules. However, if the Commission adopts rules for MLTS E911 implementation, it must specifically consider the unique circumstances and business realities of rural telephone companies. NENA proposes to revise part 64 of the Commission's rules to require that LEC central offices be provisioned to permit connection of MLTS equipment for E911 purposes "in any accepted industry standard format, as defined by the FCC, requested by the MLTS operator."<sup>6</sup> NEC recommends that the Commission adopt the ANSI T1.628-2000 ISDN network interface standard as the "accepted industry standard."<sup>7</sup> According to NEC, this change will enable MLTS operators to avoid the cost of purchasing direct inward dial (DID) numbers strictly for E911 purposes. However, the Commission itself concludes that a revision of its Part 68 rules to accommodate this standard will not contribute to the coordination that must occur between local parties if MLTS E911 is to occur.<sup>8</sup>

Furthermore, this standard would force LECs to upgrade their switches to accept the updated ISDN network interface standard. NTCA's members serve very rural populations with few large businesses. There are not many multi-line systems in most of NTCA's members' service territories. For many of the areas served by small, rural LECs, it may be more cost effective for the MLTS provider to purchase DID numbers, than it will for the LEC to upgrade its switch to accommodate one or two customers. The

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<sup>6</sup> FNPRM, para.117.

<sup>7</sup> Id.

<sup>8</sup> FNPRM, para 61.

Commission must be flexible in its approach and adopt a technical solution for E911 implementation that makes sense in rural America.

If rural LECs are forced to upgrade switches to accommodate E911 implementation by multi-line providers, they must be permitted to recover their costs. E911 implementation has been an expensive endeavor and only one of a variety of costly regulatory mandates at a time of increasing competition and declining revenues. If the Commission mandates upgrades by rural LECs, the rural LECs must be permitted to recover these costs from the interstate jurisdiction.

### **III. CONCLUSION**

There is no evidence that MLTS E911 implementation requires federal intervention. The Commission should stand by its conclusion that this is a matter better left to the states and give the states sufficient time to consider the just adopted Model Legislation before revisiting the issue. If, at a later date, the record does support federal regulation, the Commission should act with the specific concerns and characteristics of rural telephone companies in mind. Costly switch upgrades may not be the most cost

effective manner to accomplish full deployment in many instances and any expensive mandates should be accompanied by sufficient cost recovery.

Respectfully submitted,

NATIONAL TELECOMMUNICATIONS  
COOPERATIVE ASSOCIATION

By: /s/ L. Marie Guillory  
L. Marie Guillory  
(703) 351-2021

By: /s/ Jill Canfield  
Jill Canfield  
(703) 351-2020

Its Attorneys

4121 Wilson Boulevard, 10<sup>th</sup> Floor  
Arlington, VA 22203  
703 351-2000

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## CERTIFICATE OF SERVICE

I, Gail Malloy, certify that a copy of the foregoing Comments of the National Telecommunications Cooperative Association in CC Docket No. 94-102, FCC 03-290 was served on this 29th day of March 2004 by first-class, U.S. Mail, postage prepaid, to the following persons.

/s/ Gail Malloy

Gail Malloy

Chairman Michael Powell  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 8-B201  
Washington, D.C. 20554

Commissioner Jonathan Adelstein  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 8-C302  
Washington, D.C. 20554

Commissioner Kathleen Q. Abernathy  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 8-B115  
Washington, D.C. 20554

Commissioner Kevin J. Martin  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 8-A204  
Washington, D.C. 20554

Commissioner Michael J. Copps  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 8-A302  
Washington, D.C. 20554

Qualex International Portals II  
445 12th Street, SW  
Room CY-B402  
Washington, D.C. 20554